

## UNITED STATES DISTRICT COURT

**FILED**UNITED STATES DISTRICT COURT  
ALBUQUERQUE, NEW MEXICO

for the

Federal District of New Mexico

United States of America )  
 v. )  
 )  
 Philip MADDALENI )  
 and )  
 Anthony CHEUN )  
 \_\_\_\_\_  
 Defendant(s)

Case No.

JAN 30 2014

MATTHEW J. DYKMAN  
CLERK

14mj273

**CRIMINAL COMPLAINT**

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of 1/29/2014 in the county of Bernalillo in the  
Federal District of New Mexico, the defendant(s) violated:*Code Section**Offense Description*

21 U.S.C. 841(a)(1)

Possess with Intent to Distribute 500  
grams or more of a mixture or substance  
containing a detectable amount of  
methamphetamine

21 U.S.C. 841(b) (1) (A)

This criminal complaint is based on these facts:

See attached sheet

 Continued on the attached sheet.

Complainant's signature

Kevin J. Small, Special Agent DEA

Printed name and title

Sworn to before me and signed in my presence.

Date: 1/30/2014

Judge's signature

City and state: Albuquerque, New Mexico

Printed name and title

ROBERT HAYES SCOTT  
UNITED STATES MAGISTRATE JUDGE

On January 29, 2014, Special Agents(SA) Kevin Small and Jarrell Perry and Task Force Officer Jonathan Walsh were at the Amtrak Train Station in Albuquerque New Mexico when Amtrak Train Number 4 arrived from Los Angeles, California.

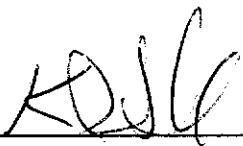
SA Small boarded Sleeper Car 431 and went to room D and knocked on the door. A man later identified as Philip MADDALENI opened the door. SA Small identified himself as a police officer and asked for and received permission to speak to him. After a short conversation a second man, later identified as Anthony CHEUN walked out of room D and into the hallway. SA Small asked for and received permission to speak to him. Both CHEUN and MADDALENI were traveling together from Flagstaff, Arizona to Chicago, IL. SA Small asked for and received permission to search MADDALENI's luggage. MADDELANI entered the room and shut the door a short time later MADDALENI opened the door and SA Small observed a black suitcase lying on the bed and the suitcase was already opened. SA Small asked MADDALENI if the black suitcase was his suitcase and MADDALENI stated it was his suitcase. SA Small asked for permission to enter the room and to search the suitcase which MADDALENI granted. A search of MADDALENI's suitcase by SA Small revealed four (4) plastic containers hidden in the pant legs of jeans in the suitcase. SA Small immediately recognized the containers to contain illegal drugs specifically methamphetamine. MADDALENI was arrested by TFO Walsh.

SA Small informed CHEUN that MADDALENI was under arrest. SA Small asked CHEUN if he had any luggage in the room. CHEUN identified a grey suitcase as his suitcase. SA Small asked for and received permission to search CHEUN's suitcase. Pursuant to that consent search SA Small located a white gift sack that was taped shut with clear tape. SA Small asked CHEUN for permission to search the white gift sack and CHEUN denied SA Small consent to search the wife gift sack. A further search of the grey suitcase revealed two new glass pipes which SA Small knew to be used to smoke methamphetamine, marijuana and or crack cocaine. CHEUN was arrested by SA Perry.

CHEUN and MADDALENI and all their personal property were transported to the Albuquerque District Office of the Drug Enforcement Administration(DEA).

At the DEA Office SA Small weigh the four plastic containers seized from MADDALENI's luggage and they weighed 2.05 gross kilograms. SA Small field tested the suspected methamphetamine and he received a positive reaction for methamphetamine.

SA Small prepared a Federal Search Warrant for the white gift sack found in CHEUN's luggage and presented it to United States Magistrate Judge Robert Scott. Judge Scott signed the search warrant and SA Small executed the warrant at the DEA Office. Pursuant to the search warrant SA Small seized 1.60 gross kilograms of methamphetamine. SA Small field tested the suspected methamphetamine and he received a positive reaction for methamphetamine.



Kevin J. Small, Special Agent DEA

Robert H. Scott

United States Magistrate Judge

ROBERT HAYES SCOTT  
UNITED STATES MAGISTRATE JUDGE